

APR 19 2006**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LAWRENCE JOU,

Defendant - Appellant.

No. 03-10410

D.C. No. CR-01-40135-CW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Claudia Wilken, District Judge, Presiding

Submitted April 5, 2006**

Before: HAWKINS, McKEOWN and PAEZ, Circuit Judges.

Lawrence Jou appeals from his 33-month sentence imposed upon his guilty plea to conspiracy and criminal copyright infringement in violation of 18 U.S.C. § 371, 17 U.S.C. § 506(a), and 18 U.S.C. §§ 2319(a) and (b)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Jou contends that the district court violated his Sixth Amendment rights when it ordered restitution. This claim is foreclosed by *United States v. Bussell*, 414 F.3d 1048, 1060 (9th Cir. 2005) (stating that district court orders of restitution are unaffected by *United States v. Booker*, 543 U.S. 220 (2005)).

We remand to the sentencing court for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

REMANDED.